

A. EMILY DEVELOPMENT, LLC
(Applicant)

06-4-CZ14-4 (05-317)
Area 14/District 8
Hearing Date: 5/10/06

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☒ No ☐

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1976	Oscar & Nubia Villegas	Zone change from AU to EU-M.	CC	Approved
2003	Ricardo & Maria Carbonell	Zone change from EU-M to RU-1.	CZAB-14	Denied without prejudice
2004	Emily Development, LLC	Zone change from EU-M to RU-1.	BCC	Appeal denied, application denied

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 14
MOTION SLIP**

APPLICANT'S NAME: EMILY DEVELOPMENT, LLC

4

REPRESENTATIVE:

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
06-4-CZ14-4 (05-317)	APRIL 12, 2006	CZAB14		06

REQ: EU-M to RU-1M(a)

REC: DWOP

<input type="checkbox"/>	WITHDRAW:	<input type="checkbox"/>	APPLICATION	<input type="checkbox"/>	ITEM(S):	
<input type="checkbox"/>	DEFER:	<input type="checkbox"/>	INDEFINITELY	<input type="checkbox"/>	TO:	<input type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/>	DENY:	<input type="checkbox"/>	WITH PREJUDICE	<input type="checkbox"/>	WITHOUT PREJUDICE	
<input type="checkbox"/>	ACCEPT PROFFERED COVENANT		<input type="checkbox"/> ACCEPT REVISED PLANS			
<input type="checkbox"/>	APPROVE:	<input type="checkbox"/>	PER REQUEST	<input type="checkbox"/>	PER DEPARTMENT	<input type="checkbox"/> PER D.I.C.
		<input type="checkbox"/>	WITH CONDITIONS			
<input checked="" type="checkbox"/> NOT HEARD – OUT OF TIME – CARRIED FORWARD TO MAY 10, 2006						

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Samuel L. BALLINGER			
MR.		Wilbur B. BELL			
MS.		Dawn Lee BLAKESLEE			
MS.		Rose L. EVANS-COLEMAN			
MR.		Don JONES			
VICE-CHAIRMAN		Curtis LAWRENCE (C.A.)			
MADAME CHAIRPERSON		DR. Pat WADE			
VOTE:					

EXHIBITS: ☐ YES ☐ NO

COUNTY ATTORNEY: LEIGH MACDONALD

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

APPLICANT: Emily Development, LLC

PH: Z05-317 (06-4-CZ14-4)

SECTION: 14-57-38

DATE: May 10, 2006

COMMISSION DISTRICT: 8

ITEM NO.: A

A. INTRODUCTION

o **REQUEST:**

EU-M to RU-1M(a)

o **SUMMARY OF REQUEST:**

The request will allow the applicant to change the zoning on the property from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District.

o **LOCATION:**

The Southeast corner of S.W. 192 Avenue & S.W. 316 Street, Miami-Dade County, Florida.

o **SIZE:** 10.18 acres

o **IMPACT:**

The approval of the requested district boundary change would allow the applicant to provide forty (40) additional housing units for the community. The rezoning of this 10.18-acre site will have an impact on the schools, water and sewer services, and traffic in the area.

B. ZONING HEARINGS HISTORY:

On April 13, 1976, the Board of County Commissioners approved, pursuant to Resolution No. Z-124-76, a zone change from AU, Agricultural District, to EU-M, Estate Modified District for the subject property. In 2003, the applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution Z-03-04.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Low Density Residential** use. The

residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing, e.g., single-family detached, cluster, zero lot line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary (UDB).

2. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
3. Severable Use Rights (SURs) may be transferred to parcels within the Urban Development Boundary. When Severable Use Rights are utilized on residentially designated parcels, development will be allowed to exceed the maximum limits designated for the site or affected portions of it; however, this provision does not authorize the granting of a zoning district that, without use of SURs, would exceed the Plan density limit.
4. The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SURs) in accordance with provisions of Chapter 33-B, Code of Metropolitan Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to 16:52 density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy 8C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

EU-M; vacant property

Low Density Residential, 2.5 to 6 du/a

Surrounding Properties:

NORTH: AU; single-family residences

Low Density Residential, 2.5 to 6 du/a

SOUTH: RU-1; single-family residences
under construction

Low Density Residential, 2.5 to 6 du/a

EAST: AU; single-family residences Low Density Residential, 2.5 to 6 dua

WEST: AU; tree nursery Estate Density Residential, 1 to 2.5 dua

The subject property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The area to the south is developed with single-family residences and to the north, east and west are single-family residences on 2 – 4 acre parcels. The subject property is located 1/2 mile east of and 3.5 miles south of and inside the UDB.

E. SITE AND BUILDINGS:

Site Plan Review:	(Site plan submitted.)
Scale/Utilization of Site:	Acceptable*
Location of Buildings:	N/A
Compatibility:	Acceptable*
Landscape Treatment:	N/A
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	Acceptable

*For RU-1 zone change and subject to the Board's acceptance of the proffered covenant.

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

G. NEIGHBORHOOD SERVICES:

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDTA	No objection
Fire Rescue	No objection
Police	No objection
Schools	17 students

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

The subject vacant property is located on the southeast corner of SW 192 Avenue and SW 316 Street. The applicant is seeking to rezone the property from EU-M, Modified Estates Residential District, to RU-1M(a), Modified Single-Family Residential District. However, the applicant submitted a revised letter of intent on April 21, 2006 amending the zone change request to RU-1, Single-Family Residential District, in lieu of the requested RU-1M(a). The properties to the north, east and west are zoned AU, Agricultural District, and developed with single-family residences on parcels of 2 to 4 acres in size, while the properties to the south are zoned RU-1 and are under construction for single-family residences. This property is located 1/2 mile east of and 3.5 miles south of and inside the Urban Development Boundary line. The applicant has proffered a covenant tying the development of the site to the submitted plans.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. Their memorandum indicates that although this application will generate **63** additional **PM** daily peak hour vehicle trips, the traffic distribution of these trips will not exceed the acceptable level of service (LOS) "B" of the streets serving the surrounding community. Furthermore, this land requires platting and

road dedications and improvements will be accomplished through the recording of a plat. Miami-Dade County Public Schools (**MDCPS**) has indicated that the proposed zoning will bring an **additional 17 students** into the area's public schools. They indicate that West Homestead Elementary School, Homestead Middle School and South Dade Senior School are the schools that will be impacted by this development, which are currently operating at 98%, 120% and 131% respectively of FISH (Florida Inventory of School Houses) utilization. Their memorandum further indicates that the applicant has voluntarily proffered a covenant to the School Board providing a monetary donation, over and above impact fees. Such proffer is subject to approval by the School Board.

This application originally sought a zone change request from EU-M, Estate Modified Residential District, to RU-1M(a), Modified Single-Family Residential District. The applicant, however, has submitted a revised letter of intent revising the zone change request to RU-1, Single-Family Residential District, in lieu of RU-1M(a). The applicant, Emily Development LLC, requested a zone change from EU-M to RU-1 on the subject property in 2003, which was denied by the Community Zoning Appeals Board #14 (CZAB-14) pursuant to Resolution No. CZAB14-27-03. The applicant appealed the CZAB's decision to the Board of County Commissioners (BCC), but said appeal was also denied, and the CZAB's decision was upheld pursuant to Resolution Z-03-04. The applicant indicates in the revised letter of intent that recent zoning approvals from AU to RU-1 for properties of comparable size in the immediate and nearby area warrant a reconsideration of the request for a zone change to RU-1.

In July 2005, a 10-acre parcel located at the northwest corner of SW 320 Street and SW 188 Avenue was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, which allowed the development of the site with fifty (50) lots, pursuant to Resolution No. CZAB-14-18-05. The applicant's plans submitted at time of platting indicate the utilization of Severable Use Rights (SURs), for a minimum lot area of 6,000 sq. ft. and 60' of lot frontage.

In October 2005, a second 10-acre parcel located on the northeast corner of SW 320 Street and SW 190 Avenue immediately to the southeast of the subject property was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, which allowed the subdivision of the property into 50 lots. The Community Zoning Appeals Board 14 granted the zone change, with a proffered Declaration of Restrictions, which restricted the development of the site to the plans submitted for 50 lots and the utilization of SURs, pursuant to Resolution No. CZAB-14-41-05. With the utilization of SURs, the site will be subdivided with lots having a minimum lot area of 6,000 sq. ft. and 60' of frontage, as the aforementioned parcel did.

In November of 2005, a third parcel 5 acres in size located on the west side of SW 187 Avenue (Redland Road) and approximately 330' south of SW 312 Street was granted a zone change from AU, Agricultural District, to RU-1, Single-Family Residential District, pursuant to Resolution No. CZAB-14-47-05. Approval of the zone change was subject to the proffered Declaration of Restrictions, which limited the development of the site to the submitted plans for a maximum of 14 units. The lots in this development have a frontage of 75' and areas between 10,545 sq. ft. to 14,723 sq. ft., which exceed the minimum 7,500 sq. ft. required under RU-1 zoning district.

In addition to the aforementioned recent rezoning approvals in the area, the current site plan indicates a lift station site which was not previously proposed. Said lift station will not only support the subject property but may support future developments to the east of the property. Additionally, based on the aforementioned, staff is of the opinion that circumstances have changed substantially in the surrounding area since 2003 when the previous zone change request was denied, which now warrant the reconsideration of the request. Therefore in staff's opinion, the Doctrine of Administrative Res Judicata would not apply in this instance.

Approval of this application would allow the applicant to provide forty (40) additional housing units for the community. The Land Use Plan's (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 units per acre, for a minimum of 25 to a maximum of sixty-one (61) units on the subject property. The applicant's proposal of 40 units is within the density allowed under the LUP map's density designation. The RU-1 zoning district would permit 46 units, at a density of 4.64 units per acre. The applicant has proffered a covenant restricting the development of the site to the plans submitted and to the maximum of 40 units. As such, the proposed **RU-1** zone change is **consistent** with the LUP map's Low Density Residential Designation.

The subject property is located in a section of land that has two land use designations as indicated on the LUP map: Low Density Residential on the east side of SW 192 Avenue and Estate Density Residential on the west side of SW 192 Avenue. The subject property is bounded by Estate Density Residential to the west and Low Density Residential to the south, north and east. The RU-1 zoning district requires lots to be a minimum of 7,500 sq. ft. in area. Staff notes that to the south of the subject property is an RU-1 zoned residential development under construction which was platted using SUR's. Lots in this subdivision are 6,000 sq. ft. and have 60' of frontage. Approximately 660' to the southeast is a residential neighborhood approved, pursuant to Resolution No. CZAB-14-18-05. This development is utilizing SURs in order to develop 50 lots with a minimum 60' of frontage and 6,000 sq. ft. To the west of this development and immediately to the southeast of the subject property is a separate development also zoned RU-1, pursuant to Resolution No. CZAB-14-41-05. Lots in this subdivision are also 6,000 sq. ft. and have 60' of frontage, also utilizing SURs. A third development located on the west side of SW 187 Avenue and south of SW 318 Street was granted a zone change to RU-1, pursuant to Resolution No. CZAB14-47-05. The lots in this subdivision have 75' of frontage, which meet the minimum RU-1 zoning district requirements for lot frontage and have a minimum lot area of 10,545 sq. ft., which exceed the minimum 7,500 sq. ft. of lot area required.

The applicant has submitted plans indicating lots along the northern boundary of the subject property which are proposed to be between 10,003 sq. ft. and 10,255 sq. ft., and will provide a transitional element between the AU zoned parcels to the north. The lots in the middle of the property which will be between 7,009 sq. ft. and 8,028 sq. ft., and the lots on the southern portion of the subject property which will be 6,200 sq. ft. Said lot sizes are in keeping with the similar lot sizes located to the south. As research indicates, the east half of this section of land in which the subject property lies has undergone substantial changes indicative of the development trend of the area to RU-1. In staff's opinion, the submitted plans are sensitive to the surrounding zones, specifically to the AU zoned properties to the north and to the parcels to the west, which are zoned AU and RU-1 and are located in the Estate Density

Residential designation of the LUP map. Further, the applicant is providing a lift station that will not only support the subject property but may support future developments to the east of the property. Staff is of the opinion that the request for a zone change to **RU-1** is **compatible** with the existing RU-1 zoning to the south and the development trend of the area to RU-1 as evidenced above.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. When evaluating this application for a district boundary change to RU-1, staff is of the opinion that this application does conform to the Comprehensive Development Master Plan provisions as indicated. As previously mentioned, the subject property is located in a section of land that has undergone substantial changes in the development trend of the area and has shifted to RU-1, Single-Family Residential District, which is consistent with the LUP map. Staff is of the opinion that the proposed development of the site will not burden the surrounding area. According to the Public Works Department, this application will generate **47 PM** daily vehicle **trips**. However, the distribution of these trips will not exceed the Levels of Service for SW 320 Street, SW 177 Avenue and SW 312 Street, which are major roadways, and as such, will not burden local roadways. Further, DERM has indicated in their memorandum that this site is located within feasible distance for connection to public sanitary sewers (130 feet) and a public water main (660 feet), which meet the Levels of Service for public services set forth in the CDMP. The subject property contains tree resources, however, a tree permit can be obtained to properly remove and relocate affected trees. Further, DERM indicates that this property is not located in nor contains a jurisdictional wetland. Moreover, the applicant has proffered a monetary donation to MDCPS over and above the required impact fees in order to address the impact of the students generated by this application on local schools. Noting all of the aforementioned, staff opines that this application will not have an unfavorable effect on the environment, natural resources, or economy of Miami-Dade County and the area, and as such, staff recommends approval of the zone change to RU-1, subject to the Board's acceptance of the proffered covenant.

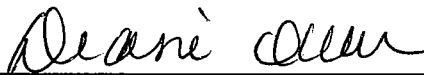
Based on all of the aforementioned, staff recommends approval of the zone change to RU-1 in lieu of RU-1M(a), subject to the Board's acceptance of the proffered covenant.

I. **RECOMMENDATION:**

Approval of the zone change to RU-1 in lieu of RU-1M(a), subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS:** None.

DATE INSPECTED: 01/09/06
DATE TYPED: 01/18/06
DATE REVISED: 01/20/06; 02/17/06; 03/02/06; 03/03/06; 03/09/06; 03/12/06; 04/25/06
05/01/06; 05/03/06; 05/04/06
DATE FINALIZED: 05/04/06
DO'QW:AJT:MTF:LVT:JV:CSE



Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

Memorandum



Date: November 29, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
DEC 08 2005

MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

From: Jose Gonzalez, P.E., Assistant Director
Environmental Resources Management

A handwritten signature in cursive script, appearing to read "Jose Gonzalez".

Subject: C-14 #Z2005000317
Emily Development, LLC
SE corner of SW 192nd Avenue and SW 316th Street
District Boundary Change from EU-M to RU-1M(a)
(EU-M) (10.18 Ac.)
14-57-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Service:

The closest public water main is located approximately 600 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public water. Therefore, connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Wastewater Disposal:

The closest public sanitary sewer is located approximately 130 feet from the subject property. Based on the proposed request, the subject property is within feasible distance for connection to public sanitary sewers. Therefore, connection of any proposed development to the public sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the

system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management:

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands:

The subject property does not contain jurisdictional wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation:

The subject property contains tree resources; Section 24-49 of the Code requires the preservation of tree resources. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. A tree survey showing all the tree resources on-site will be required prior to reviewing the tree removal permit application. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Enforcement History:

DERM has reviewed the permits and enforcement database and the enforcement case tracking system and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
Ron Connally, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: EMILY DEVELOPMENT, LLC

This Department objects to this application.

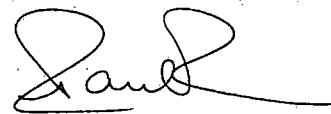
Redesign site plan to remove t-turnaround and extend SW 317 Terr. to the east and connect with SW 190 Ave. to provide connectivity.

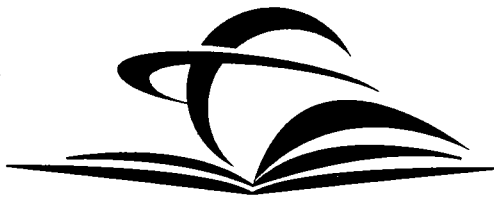
This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 47 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9948	SW 312 St. w/o US-1	B	B
9950	SW 320 St. e/o US-1	B	B
F-518	SW 177 Ave. n/o US-1	B	B

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.


Raul A Pino, P.L.S.
03-APR-06



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Rudolph F. Crew, Ed.D.

Ana Rijo-Conde, AICP, Facilities Planning Officer
Facilities Planning

December 15, 2005

Miami-Dade County School Board

Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Frank J. Bolaños
Evelyn Langlieb Greer
Dr. Robert B. Ingram
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ms. Maria Teresa-Fojo, Division Chief
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

Re: Emily Development, LLC - Application No. 05-317 (CC14)
Southeast Corner of SW 192 Avenue and SW 316 Street

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities meet the referenced review threshold. The proposed residential development will impact Homestead Middle School and South Dade Senior High School currently operating at 120% and 131% of FISH % utilization, respectively. However, utilizing the County's Census 2000 figures, the proposed residential development will increase the FISH % utilization of South Dade Senior High School to 132% (please see attached analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on December 15, 2005, to discuss the impact of the proposed development on public schools.

The District is grateful that the applicant took the time to meet with the School District to discuss possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Ms. Maria Teresa-Fojo
December 15, 2005
Page Two

Also, attached is a list of approved Charter School Facilities, which may provide relief on a countywide basis.

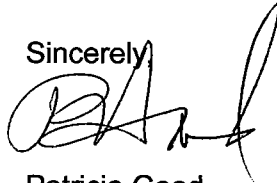
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the 26-unit development is estimated to generate approximately \$62,400 (\$2,400 per unit) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Patricia Good
Coordinator III

PG:am
L-0691
Attachment

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Mr. Ivan M. Rodriguez
Ms. Vivian Villaamil
Mr. Ben Fernandez

SCHOOL IMPACT REVIEW ANALYSIS

APPLICATION: No. 05-317, Emily Development, LLC (CC14)

REQUEST: Zone change from EU-M to RU-1M(a)

ACRES: 10 acres

MSA/Multiplier: 7.3/.60

LOCATION: Southeast Corner of SW 192 Avenue and SW 316 Street

NUMBER OF UNITS: 26 additional single-family units (29 units currently permitted under existing zoning classification, for a total of 55 units)

ESTIMATED STUDENT POPULATION: 17 students*

ELEMENTARY: 8

MIDDLE: 4

SENIOR: 5

SCHOOLS SERVING AREA OF APPLICATION:

ELEMENTARY: West Homestead Elementary – 1550 SW 6 St.

MIDDLE: Homestead Middle – 650 NW 2 Ave.

SENIOR HIGH: South Dade Senior - 28401 SW 167 Ave.

All schools are located in Region 6

* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October, 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMULATIVE STUDENTS **
West Homestead Elem.	828/ 836*	806	103%/ 104%*	36	98%/ 99%*	847
Homestead Middle	1206/ 1210*	848	142%/ 143%*	158	120%/ 120%*	1239
South Dade Sr.	2759/ 2764*	1721	160%/ 161%*	380	131%/ 132%*	2974

* increased student population as a result of the proposed development.

** Estimated number of students (cumulative) based on zoning/land use log (2001- present) and students are figured in current population assuming all approved developments are built; also assumes none of the prior cumulative.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, the middle and senior high schools meet the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA

(information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005):

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "SS1" (Redland and Homestead Middle School Relief) (1604 student stations)	Design	June 2007
State School "CCC1" (Partial Replacement of South Dade Sr. High School) (1522 additional student stations)	Design	March 2008

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	806
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	2452
Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)	3243

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$111,333.

CAPITAL COSTS: Based on the State's December-2005 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	8	x	\$ 13,933	=	\$111,464
MIDDLE	4	x	\$ 15,974	=	\$ 63,896
SENIOR	5	x	\$ 21,139	=	\$105,695

Total Potential Capital Cost	\$281,055
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* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

Charter School Growth in Miami-Dade County

Existing Charter Schools				
School Name	Actual Enrollment (8-10-05)	Projected Enrollment (as per contract)		
		2005-2006	2006-2007	Maximum
Academy of Arts & Minds	139	400	500	500
Archimedean Academy	432	525	525	525
Archimedean Middle Conservatory	55	160	240	240
ASPIRA Eugenio Maria de Hostos	299	600	600	600
ASPIRA Youth Leadership	291	450	450	450
ASPIRA South Youth Leadership	202	210	450	600
Aventura City of Excellence School	671	900	900	900
Balere Language Academy	155	175	250	450
Coral Reef Montessori	324	500	500	500
Doctors Charter School of Miami Shores	401	375	450	525
Doral Academy	728	2,200	2200	2,200
Doral Academy Middle School	809	1,250	1250	1,250
Doral Academy High School	908	1,800	1800	1,800
Doral Performing Arts & Entertainment Academy	50	100	150	200
Downtown Miami Charter School	558	650	650	650
Early Beginnings Academy – Civic Center	25	80	80	80
Early Beginnings Academy – North Shore	12	43	43	70
Florida International Academy	258	350	350	350
International Studies Charter High School	80	500	750	1,000
Keys Gate Charter School	1,085	1,150	1,150	1,150
Lawrence Academy	69	120	250	450
Liberty City Charter School	372	705	705	705
Life Skills Center Miami-Dade County	13	300	450	600
Mater Academy	700	1,150	1,150	1,150
Mater Academy Charter High School	1,158	1,300	1,300	1,300
Mater Academy Charter Middle School	1,157	1,300	1,300	1,300
Mater Academy East Charter School	310	800	800	800
Mater Academy East Middle School	103	250	250	250
Mater Performing Arts & Entertainment Academy	97	100	150	200
Miami Children's Museum	72	350	350	350
Miami Community Charter School	221	600	600	600
Oxford Academy of Miami	101	450	450	450
Pinecrest Preparatory Academy Middle School	216	750	800	800
Pinecrest Preparatory Academy	743	1,250	1,250	1,250
Rosa Parks Charter School/Florida City	192	400	600	600
Renaissance Elementary Charter School	444	500	500	500
Renaissance Middle Charter School	43	50	700	1,600
Sandor Wiener School of Opportunity	19	72	72	72
Sandor Wiener School of Opportunity, South	17	36	36	36
School for Integrated Academics & Technologies	262	600	800	800
Somerset Academy	514	700	700	700
Somerset Academy Charter Middle School	70	300	300	300
Somerset Academy Charter High School	7	250	375	500
Spiral Tech Elementary Charter School	71	290	290	290
Spirit City Academy	40	250	300	400
Sunshine Academy	100	150	200	450
The Charter School at Waterstone	1,001	1,000	1,000	1,000
Theodore R. and Thelma A. Gibson Charter School	11	500	600	600
Transitional Learning Academy	28	48	48	72
Youth Co-Op Charter School	508	525	525	525
TOTAL: 50 schools	16,141	27,514	30,139	32,690

Board-Approved Contracts for Schools to Open in Future Years			
School Name	Projected Enrollment (as per contract)		
	2005-2006	2006-2007	Maximum
Charter on the Beach Middle School	-0-	250	250
Liceo ENLACE Miami! Charter Academy	-0-	475	775
A Child's Journey Charter School	-0-	175	600
Atlantic Science Academy	-0-	600	840
Cooperative Charter School	-0-	100	200
Dr. Joseph Coats Grace Community Charter School	-0-	600	600
Excelsior Academy of Miami	-0-	450	450
Mosaic Bilingual Academy	-0-	120	365
North Miami/Florida Int'l Univ. Charter Sr. High School	-0-	800	1,600
Pinecrest Academy Charter High School	-0-	600	850
South Dade Charter Elementary School	-0-	625	750
Summerville Charter School	-0-	600	600
TOTAL: 12 schools	-0-	5,395	7,880
SUB-TOTAL (EXISTING +APPROVED): 62 schools	27,514	35,534	40,570

Board-Approved applications for schools opening in subsequent years		
Applicant	Number of Schools	Maximum Enrollment Capacity
Somerset Academy	6	6,400
Mater Gardens Academy Elementary School	1	900
Mater Springs Academy Elementary School	1	600
Mater Academy South Charter School	1	900
Mater Gardens Academy Middle School	1	450
Mater Springs Academy Middle School	1	300
Sabal Palm Charter High School	1	800
Charter Academy of Excellence	1	600
Palmetto Bay Charter Academy	1	1,600
Princeton Charter Academy	1	1,600
Homestead Charter High School	1	2,000
South Miami-Dade Charter Elementary School	1	600
South Miami-Dade Charter Middle School	1	300
Total :	18 schools	17,050
GRAND TOTALS		
Number of Schools		Maximum Enrollment Capacity
80		57,620

NEW CHARTER SCHOOLS FOR 2005-2006

W/L	Name and Address of Charter School	Contact Information	Grade Levels
6006	Archimedean Middle Conservatory 12425 SW 72 St. Miami, FL 33183	Ms. Vasiliki Moysidis 305 640-6278	6-8
7016	Bridge Academy <i>Main Campus:</i> 8325 NE 2 Ave., Miami, FL 33138 <i>South Campus:</i> 224 Washington Ave., Homestead, FL 33030	Dr. Leo S. Cardona 954 907-2771 786 513-0546 Fax drleo@myfra.com	12
6007	Charter on the Beach Middle School 2301 Normandy Dr. Miami Beach, FL 33141	Ms. Gladys Palacio 786 258-2505 gladyspalacio@aol.com	7-8
6040	Doctors Charter School of Miami Shores 11301 NW 5 Ave. Miami Shores, FL 33138	Ms. Maggie Manrara 305 795-2207 manraram@miamishoresvillage.com	6-12
7009	Doral Performing Arts & Entertainment Academy 11100 NW 27 St., Doral, FL 33172 and 2601 NW 112 Ave., Doral, FL 33172	Ms. Ofelia Alvarez 305 597-9950	9-12
4080	Early Beginnings – North Shore 985 NW 91 St. Miami, FL 33150 (North Shore Medical Center)	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
4070	Early Beginnings – Civic Center 1411 NW 14 Ave. Miami, Florida 33125	Ms. Carol Byrd, Principal United Cerebral Palsy 305 325-1080	PK-K
6027	Transitional Learning Academy 1411 NW 14 Ave. Miami, Florida 33125	Ms. Pamela Miller, Principal United Cerebral Palsy 305 325-1080	8-12
6008	Lawrence Academy 777 West Palm Drive Florida City, FL 33034	Dr. Keitha Burnett 305 281-3052 mkbur293@aol.com	6-8
1000	Liceo ENLACE! Miami 9705 E. Hibiscus Palmetto Bay, FL 33157	Ms. Lucy Puello-Capone 305 213-7723 ces1234@aol.com	K-8
6009	Water East Academy Middle School 450 SW 4 St. Miami, FL 33130	Ms. Ana Valdes, Principal 305 324-4667	6-8

W/L	Name and Address of Charter School	Contact Information	Grade Levels
7014	Mater Performing Arts & Entertainment Academy 7901 NW 103 St. Hialeah Gardens, FL 33016	Ms. Christine McGuinn, Principal 305 828-1886	9-12
5010	Oxford Academy of Miami 10870 SW 106 St. Miami, FL 33176	Mr. Tobias Hernandez, Principal 305 598-4494 305 275-2003 Fax	K-5
5030	Sandor Wiener School of Opportunity, South 11025 SW 84 St. Miami, FL 33173	Ms. Lissa Gonzalez, Principal 305 279-3064 lgonzalez1@dadeschools.net	PK-5
5050	Sunshine Academy 1733 NE 162 St. N. Miami Beach, FL 33162	Ms. Ann-Marie Manzano, Director 786 210-8324 manzanos5@netzero.net	K-8
1010	The Charter School at Waterstone 855 East Waterstone Way Homestead, FL 33034	Dr. Cristina Cruz, Principal drcruzwaterstone@aol.com Temporary office: Prime Outlets Mall 250 East Palm Drive, Suite 245 Florida City, FL 33034 305 248-6206 Fax: 305 248-6208 Email: info@charterschoolatwaterstone.com Web: www.charterschoolatwaterstone.com	K-8
6029	Spirit City Academy 3400 NW 135 St. Opa-locka, FL 33054	Ms. Cecilia Honeywood, Principal 786 493-1546 cahoneywood@dadeschools.net	6-8
7015	Life Skills Center Miami-Dade County 3535 NW 7 Street Miami, FL 33125	Mr. Jose Filpo 305 643-9111 305 643-9141 Fax jose.filpo@lifeskillsceneters.com	10-12
6028	Renaissance Middle Charter School <i>Temporary location for 05-06:</i> 8360 NW 33 St. Miami, FL 33122	Ms. Ana Cordal, Principal 305 591-2225 acordal@dadeschools.net	6-8

Memorandum



Date: 16-MAR-06

To: Diane O'Quinn Williams, Director
Department of Planning and Zoning

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2005000317

Fire Prevention Unit:

Fire Water & Engineering has no objection to plans date stamped February 16 2006. Any changes to this plan must be resubmitted for review and approval.

Service Impact/Demand:

Development for the above Z2005000317
located at THE SOUTHEAST CORNER OF S.W. 192 AVENUE & S.W. 316 STREET, MIAMI-DADE COUNTY,
FLORIDA.
in Police Grid 2611 is proposed as the following:

<u>40</u> residential	dwelling units	<u> </u> Industrial	square feet
<u> </u> Office	dwelling units	<u> </u> institutional	square feet
<u> </u> Retail	square feet	<u> </u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 10.8 alarms-annually.

Existing services:

The Fire station responding to an alarm in the proposed development will be:
Station 16 325 N.W. 2 Street - Homestead & Fla. City Rescue, ALS Engine, 50' Squirt

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
None.

Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped February 16 2006. Substantial changes to the site plan will require additional service impact analysis.

DATE: 05/04/06

REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

EMILY DEVELOPMENT, LLC

THE SOUTHEAST CORNER OF S.W.
192 AVENUE & S.W. 316 STREET,
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2005000317

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

5-3-06 No violations

RECEIVED
205-317
OCT 03 2005

DISCLOSURE OF INTEREST*

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Emily Development LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Angel Menes, 47 SW 105 Place, Miami, FL 33174</u>	<u>33 %</u>
<u>Juan Carlos Uribarri, 16917 NW 83 Place, Miami Lakes, FL 33016</u>	<u>33.5 %</u>
<u>Marcelino Uribarri, 5333 Collins Avenue, # 1408, Miami Beach, FL 33140</u>	<u>33.5 %</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

RECEIVED
205-317
OCT 03 2005

If there is a **CONTRACT FOR PURCHASE** by a corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: ZONING HEARINGS SECTION, MIAMI-DADE PLANNING AND ZONING DEPT.] stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

NAME ADDRESS AND OFFICE (if applicable) _____ Percentage of Interest _____

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

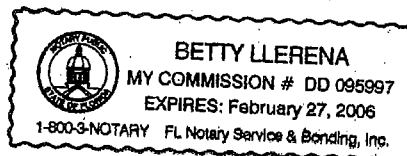
The above is a full disclosure of all parties of interest in his application to the best of my knowledge and belief.

Signature: _____
(Applicant)

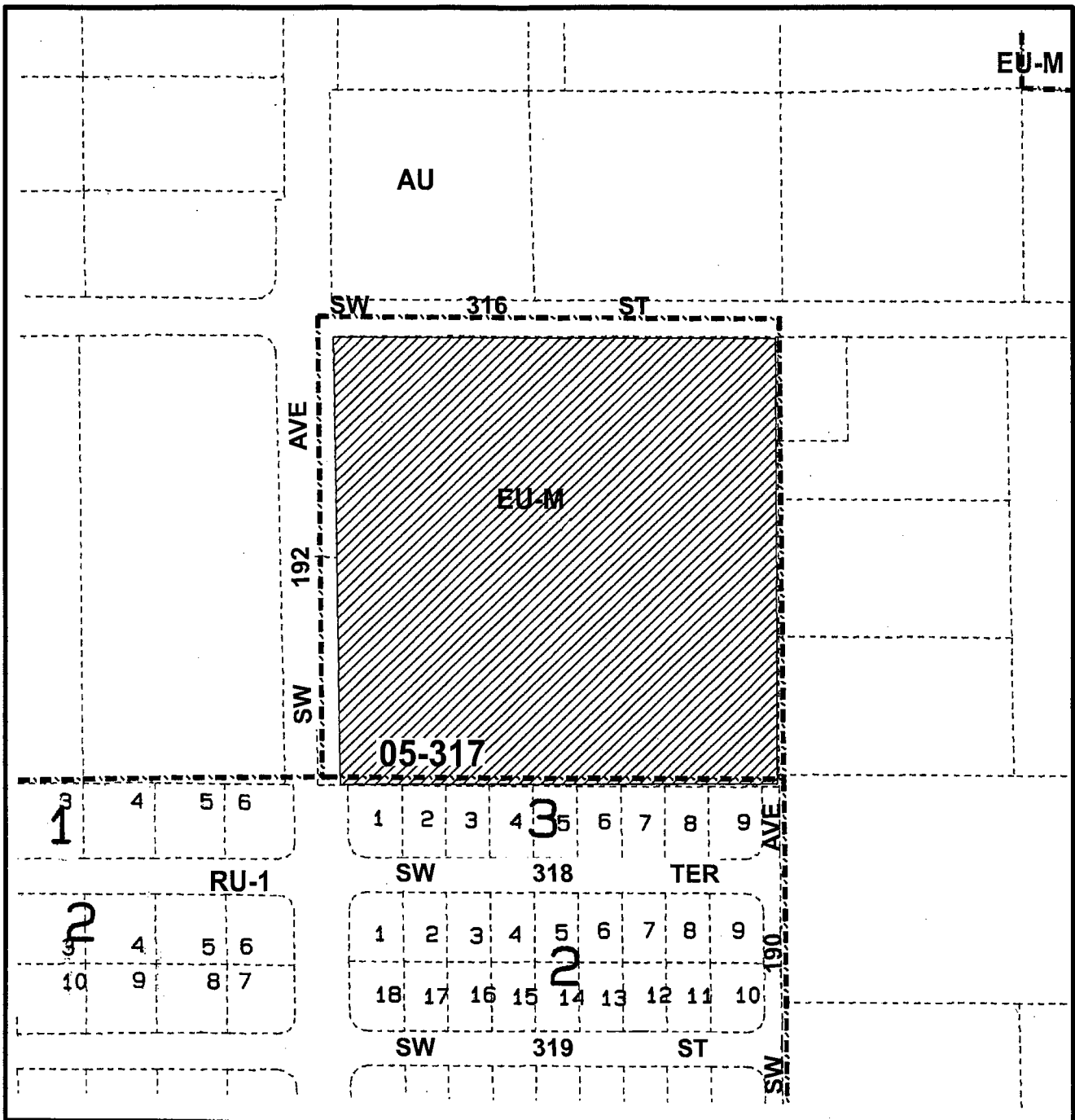
Sworn to and subscribed before me this day of 17 Aug. 2005 Affiant is personally known to me or has produced FL D.L. as identification.

Betty Llerena
(Notary Public)

My commission expires _____

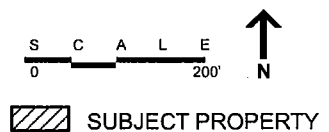


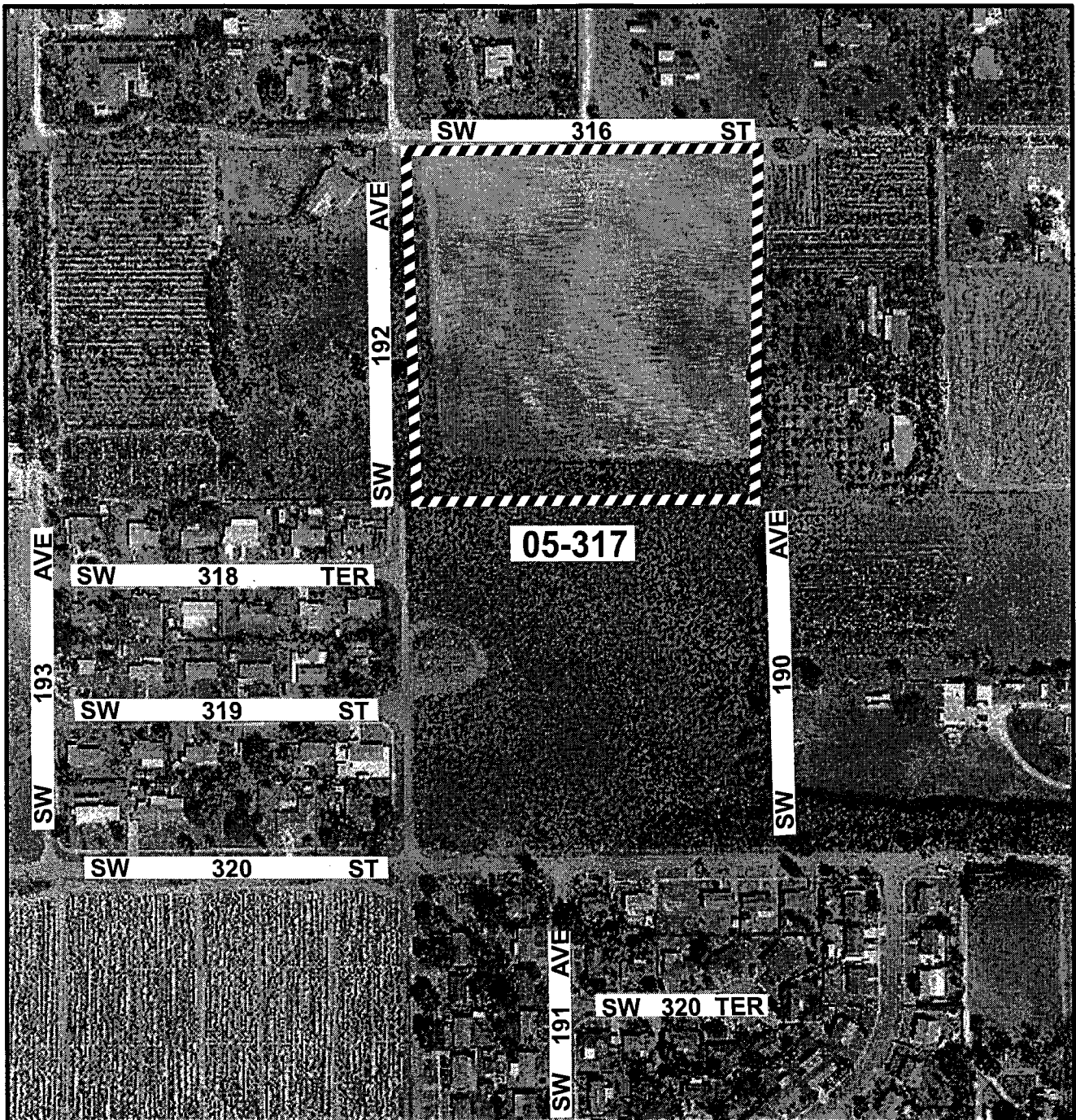
*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or a other country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership corporation or trust.



**MIAMI-DADE COUNTY
HEARING MAP**

Section: 14 Township: 57 Range: 38
 Process Number: 05-317
 Applicant: EMILY DEVELOPMENT, LLC
 Zoning Board: C14
 District Number: 08
 Drafter ID: JEFFER
 Scale: 1:200'





MIAMI-DADE COUNTY
AERIAL

Section: 14 Township: 57 Range: 38
Process Number: 05-317
Applicant: EMILY DEVELOPMENT, LLC
Zoning Board: C14
District Number: 08
Drafter ID: JEFFER
Scale: NTS

